IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 16608 of 2005

Between:

Smt. Sri Lakshmi

..... PETITIONER

AND

The Commissioner, Municipal Corporation of Hyderabd,

And two others

.....RESPONDENTS

ORDER:

This writ petition is filed, seeking a Mandamus, directing the

i. Respondent Nos.1 and 2 to take immediate action to stop all further constructions being made by the 3rd respondent in Plot No.376-B, (III Phase) Jubilee Hills House Building Cooperative Society, Jubilee Hills Hyderabad in violation/contrary to the sanction granted by the 1st respondent;

ii. The Respondent Nos.1 and 2 may be further directed to initiate necessary action against the 3rd respondent for demolishing the constructions already made contrary to the sanctioned plan in

Plot No.376-B, (III Phase) Jubilee Hills House Building Cooperative Society, Jubilee Hills, Hyderabad;

iii. To direct the 1st respondent not to regularize or compound any deviations and illegal constructions made by the 3rd respondent in the plot No.376-B, (III Phase) Jubilee Hills House Building Cooperative Society, Jubilee Hills, Hyderabad;

It is the case of the petitioner that she is the owner of plot bearing No.376-D, III-Phase, situated at Road No.82, Jubilee Hills, Hyderabad. The 3rd respondent is her northern boundary owner. According to the petitioner,there is 20 feet road in between her plot and the plot of the 3rd respondent. The 3rd respondent, in violation of the conditions of the approved plan granted by the 1st respondent, is making constructions for commercial complex by encroaching the road site existed in between the two plots without leaving any setbacks and open spaces as specified in the sanction plan. The petitioner made representations to the 1st and 2nd respondents, but the respondents have not taken any action against the 3rd respondent. Hence the petitioner is constrained to approach this Court by filing this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent Municipality.

The petitioner as well as the 3rd respondent are the plot owners and neighbours. If the 3rd respondent encroaches the site of the petitioner or making any constructions seizing her easementary rights, the petitioner has to approach a competent civil court of law for redressal. In case the 3rd respondent is making constructions in violation of the sanctioned plan, the respondents 1 and 2 have to take steps against the 3rd respondent. Admittedly, the petitioner made representations to the 1st and 2nd respondents in this regard and the 1st and 2nd respondents have to take appropriate decision thereon.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the 1st and 2nd respondents to consider the representations of the petitioner dated 23.04.2005, 31.08.2004 and 20.07.2005,

and pass appropriate orders thereon, after giving opportunity to both the parties, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 28.07.2005

Dsr